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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,784	06/09/2006	Anthony Scott Oddo	SEDN/PRED115	2599
56015 7590 04/28/2008 PATTERSON & SHERIDAN, LLP/ SEDNA PATENT SERVICES, LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			EXAMINER LEWIS, JONATHAN V	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 04/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,784	Applicant(s) ODDO ET AL.	
	Examiner JONATHAN LEWIS	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/29/2005; 09/28/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-32 are rejected under 35 U.S.C. 102(b) as being anticipated by applicant's admitted prior art Alexander et al. (US Pat. No. 6,177,931).

Regarding claim 21 (new), Alexander et al. teaches a method of displaying content recommendations to a user (Fig. 1, 14 shows the Ad window where content recommendations are displayed to the user), the method comprising: providing, in response to the detection of a channel change event, a content recommendation (col. 28, lines 30-52 discloses the monitoring of the channel change event, and col. 31, lines 25-33 disclose the provision of recommended content based on a channel change); and allowing a user to selectively view the recommended content or content associated with a newly selected channel (col. 18, lines 1-12).

Regarding claim 22 (new), Alexander et al. teaches the method of claim 21, wherein the content recommendation is provided using one or more of a rating engine, recommendation engine and profile engine (col. 30, lines 45-58).

Regarding claim 23 (new), Alexander et al. teaches the method of claim 21, wherein the content recommendation comprises: generating at least one recommendation of local or remote content (col. 31, lines 34-47).

Regarding claim 24 (new), Alexander et al. teaches a method of providing a user perceptible indicator of available content, the method comprising: monitoring content viewed by a plurality of users (col. 28, lines 11-52); based on the content viewed by the plurality of users, generating the user perceptible indicator of content, wherein the generating occurs at a change in system state (col. 29, lines 31-55); and allowing the user to interact with the user perceptible indicator (col. 31, lines 9-24).

Regarding claim 25 (new), Alexander et al. teaches the method of claim 24, wherein the monitoring comprises: detecting content viewed by a subset of the plurality of users (col. 28, lines 22-29).

Regarding claim 26 (new), Alexander et al. teaches the method of claim 25, wherein the change in system state comprises activation of a client device (col. 28, lines 24-26).

Regarding claim 27 (new), Alexander et al. teaches the method of claim 25, wherein the change in system state comprises activation of a television viewing system or set top box associated with the user (col. 28, lines 30-32).

Regarding claim 28 (new), Alexander et al. teaches the method of claim 25, wherein the change in system state comprises a channel change event (col. 28, lines 33-44).

Regarding claim 29 (new), Alexander et al. teaches the method of claim 25, wherein the interacting further comprises: responding to signals generated by a user-operated remote control device (col. 28, lines 25-26).

System claims 30-32 are rejected for the same reasons as stated above in the corresponding method claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is (571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2623